[Shri Subramanian Swamy]

study should get focus and young scholars *should* be associated. These are some of my points which I wanted to make.

SHRI I. K. GUJRAL: I am grateful to my friend Prof. Subramanian. I am saying 'Professor' deliberately because I think he has, for a change, made a very worthwhile suggestion and I accept that.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The question is:

That the Bill, as amended, be passed.

The motion was adopted,

MESSAGES FROM THE LOKSABHA

(I) Punjab Appropriation (No. 2) Bill, 1990;

(II) Appropriation (No. 3) Bill, 1990;

(III) Appropriation (Railways) No. 3 Bill, 1990.

THE SECRETARY-GENERAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Additional Secretary of the Lok Sabha:—

(I)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Punjab Appropriation (No. 2) Bill, 1990, as passed by Lok Sabha at its sitting held on the 5tli September, 1990.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(II)

"In accordance with the provisions of rule 96, of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (No. 3) Bill, 1990, as passed by Lok Sabha at its sitting held on the 5th September, 1990.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(iii)

"In accordance with the provisions of rule 96 of the Rules of Procedure and conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (Railways) No. 3 Bill, 1990, as passed by Lok Sabha at its sitting held on the 5th September, 1990.

2. THE PREVENTION OF ILLICIT Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Sir, I lay a copy of each of the Bills on the Table.

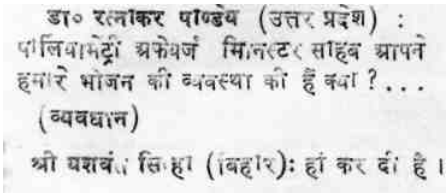
1. STATUTORY RESOLUTION DISAPPROVING PREVENTION OF ILLICT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ORDINANCE, 1990.

2. THE PREVENTION OF ILLICT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) BILL, 1990.

3. STATUTORY RESOLUTION DISAPPROVING CONSERVATION OF FOREIGN EXCHANGE AND PRE- VENTION OF SMUGGLING ACTI- VITIES (AMENDMENT) ORDIN- ANCE, 1990.

4. THE CONSERVATION OF FOREI- GN EXCHANGE AND PREVEN- TION OF SMUGGLING ACTIVI- TIES (AMENDMENT) BILL, 1990.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Yes, Mr. Subramanian Swamy.


डा० रत्नाकर पाण्डेय (उत्तर प्रदेश) : पालियामेंट्री अफेयर्स मिनिस्टर साहब आपने हमारे भोजन की व्यवस्था की है क्या ?...
(व्यवधान)
श्री यशवंत सिन्हा (बिहार): हां कर दी है।

SHRI SUBRAMANIAN SWAMY Uttar Pradesh); With your permission, sir, *I* move:

"That this House disapproves of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 1990 (No. 4 of 1990), promulgated by the President on the 30th July, 1990."

That this House disapproves of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1990 (No. 5 of 1990), promulgated by the President on the 30th July, 1990."

The reason why I move these Motions of disapproval is that this only deals with increasing the detention period and giving it validity. But the problem is much more serious and that has not been given any attention by the Government, nor has anybody from the treasury benches said about it in this House.

In particular, two problems in India are intimately connected with the drug menace. One is the problem of Punjab and the other is the problem of Sri Lanka. Unfortunately, North-east is a growing centre. But for the carriers of drugs, after Khomeini came to power in Iran and the Soviets invaded Afghanistan—you may say intervened, but it is the same thing—the traditional route to reach the U.S. changed and India became the transit centre and Bombay became the focus. The profits are enormous. Thirty thousand rupees per kilogram in Bombay fetches one million dollars in the U.S.A.

So, now the country is faced with another danger which is not being spelt out. We have already got all kinds of other divides—Hindu-Muslim, forward-backward, North-South, English-Hindi etc.—but the drug question is not being given focus. It is connected with AIDS and with so many things that are happening in the country, including terrorism. The drug-terrorism nexus has not been given any focus. I am particularly concerned with the fact that Bombay is now slipping into the hands of drug lords and the so-called narco-doliars as opposed to petro-doilars are now becoming the biggest menace in the country.

The time is running out and I have a long thesis to give, but I do not want to. I only want to say that the Government must come forward and tell us what they are doing to tackle this problem in a broad-based way. It is not enough to provide for detention. You know how detention is being manipulated. Even a Member of the ruling party has been getting out so many smugglers by skilful use of the law. These detentions do not mean anything. What is needed is a comprehensive attack on the whole problem and for this Government must devise a total plan which they do not have and if they do not, then in another five years India will become ungovernable and unmanageable because of the huge amount of money that is involved. That is why I want to disapprove of these Ordinance.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I think your speech is for both the Resolutions.

SHRI SUBRAMANIAN SWAMY: Yes, for both.

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI ANIL SHASTRI): Sir, I beg to move:

"That the Bill further to amend the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, as passed by the Lok Sabha, be taken into consideration.

That the Bill further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, as passed by the Lok Sabha, be taken into consideration."

Sir, I will also speak for both the Bills.

The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, provides for preventive detention of persons in certain cases for the purposes of conservation and augmentation

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of foreign exchange and for prevention of smuggling activities.

The Government has already announced their firm resolve to effectively deal with the smugglers and other economic offenders including the foreign exchange racketeers. While stringent measures continue to be taken under the normal laws, preventive detention of smugglers and foreign exchange racketeers may become necessary in certain types of cases with a view to immoblising their organised gangs from continuing their activities and to providing a deterrent to those who are habitual offenders.

The COFEPOSA Act, 1974, is one of the powerful weapons for disrupting organised activities of smugglers and foreign exchange racketeers, effectively putting out of commission the king-pins, the financiers and the masterminds and their links and associates who cannot be reached under the normal law or want of evidence strong enough to stand the rigours of the Evidence Act in a court of law'. Detention of such persons under this Act also enables the Governmental agencies to complete in depth investigations of all possible ramifications so as to bring to book as large a number of persons involved as possible.

In particular, section 9 of the Act deals with the detention of any person who is engaged in smuggling activities in areas highly vulnerable to smuggling. Such areas have been indicated in the section itself. Under the provisions of this section, detentions made for activities perpetrated in such areas can be up to a maximum period of two years, if a declaration is made under this section as against the ordinary period of one year otherwise. This section, however, applies only in respect of detention orders made on or before the 31st July 1990 which has been extended for a further period of three years beyond 31st July 1990 under the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1990 (No. 5 of 1990) promulgated by the President on the 30th July 1990. This Bill seeks to replace the Ordinance.

The COFEPOSA Act and, particularly, section 9 have been effectively invoked and they have supplemented the efforts of the anti-smuggling and enforcement wings of the Ministry of Finance. Over 78 per" cent of the total seizures of contraband effected in the country since 1987 are accounted for by seizures effected in highly vulnerable areas. The detention for a period of two years in respect of the smuggling activities in, from or through the highly vulnerable areas, acts as a strong deterrent. Hence the need for extending the provisions of section 9 of the Act for a further period of three years beyond 31st July 1990.

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(Interruptions)

With these words, Sir, I move that the aforesaid Bills further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 and the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act 1988 respectively be taken into consideration.

The questions were proposed.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Mr. Vice-Chairman, Sir, though it is late in the evening, there could not be a more important subject of greater national concern than the discussion on the Bil[concerning narcotic drugs and psychotropic substances.

In the first instance, so far as the Ordinance is concerned, I must express a little disappointment (hat this Ordinance was brought on the last day—please correct me if I am wrong—because, if this Ordinance had not come on the 30th of July—and I am told it happened because of the vigilance of some officers—many of the people detained under this Ordinance would have been released that very night. I do want the Minister to tell me as to why such an Ordinance was not issued 15 days or even a month earlier than the last date.

Then coming to the two Bills which are bcfore us, this is the greatest menace, as has been rightly pointed out, which is facing the country because it affects a large section of population, particularly, the young population. And the words of that very famous song of the Beatles, "Lucy in the sky, with 'Diamonds'," ring in my earn when I rise to speak this evening.

As has been rightly pointed out, we are entrapped between the Golden Triangle of Thailand, Laos and Burma and the Golden Crescent of Turkey, Iran and Afghanistan. Brown sugar, smack, heroin, hashish marijuana, all sorts of drugs, really pass through India because of the Golden 1 Triangle and the Golden Crescent, and 5 the transit point, unfortunately, has started retaining more than what it should. As has been rightly pointed out by my friend, Mr. Subramanian Swamy, Bombay has become the commercial centre for this transit.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Bhandareji, you are referring to the Golden Triangle. Are you calling the killer drugs as the Golden Triangle?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: What is worrying me is that the enforcement is really poor. I have here the figures which I want to point out. You can make laws. But the laws will remain on paper unless they are enforced. Look at this. In 1986, 5,525 persons were prosecuted, and the number of persons convicted was 586. In 1987, 4,863 persons were prosecuted, and the other figure is 297. It dropped down to half. In 1988, 3,704. Even less, 339 were convicted. In 1989, 3,694 and 255.

You do speak of larger and larger seizures. But what happens is that seizures are also manipulated. In the area of smuggling, periodically those who deal in this illicit traffickings, whether it is gold it is drug, see that certain amounts are seized so that the enforcement machineries are also kept happy and the people are told about them. But what happens is that it results in total escape of the people who deal with such dangerous things.

My suggestion, therefore, is that unless you strengthen the law and the implementation of the law, you will not succeed. We have even provided for death penalty for the second offence, but that has not helped. What happens is that small peddlers of drugs are arrested, and the barons and the drug, dons are well settled abroad—they hardly come here— including Kuwait or Abu Dhabi or Dubai. They do not come here. Therefore, unless we have some machinery for co-operating with the Interpol, the international agency, and have greater coordination, I don't think that merely having a law like this and extending the period of detention is going to have deterrence because you are not attacking the disease, you are not attacking the root. It is there where the Government will have to be shown.

While on this point, let me tell you how woefully inadequate the machinery in the capital for this is, namely, Bombay. It will be very very surprising to find out that Bombay has hardly three officers in the Revenue Intelligence. I will give the exact figures. In Bombay the Directorate of Revenue Intelligence has barely three officers in the field. The Narcotics Control Bureau, NCB, Western Region, has nine officers, of whom six *to* seven are kept busy with court appearances. Moreover, police constables have no powers of arrest under the Narcotic and Psychotropic Substances Act. If this is the position, how are you going to enforce, how are you going to catch the people?

What is more important is that two years back the U.N. Fund for Drug Abuse Control contributed $ 7.5 million. I would like to know from the hon. Minister what part of $ 7.5 million has been given to Bombay to fight the menace.

I suggest a few measures. International coordination as well as Central coordination should be strengthened. As

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has been rightly pointed out again by Mr. Swamy, the greatest danger today is that terrorism survives on drug trafficking. What is hapaning in Kashmir, what is happening in Punjab, what is happening even in Sri Lanka, all owe to drugs? In fact, all these terrorist activities will die if we can control it. I must express and take the Houe into confidence that the performance of Pakistan is really appalling. Pakistan has no will and it is showing no sign of controlling this. Therefore, the burden on India is going to be much much larger. In Bombay we have one of the finest Anti-Drug Cells. In the Delhi University we have it. My good friend, Mr. Sunil Dutt has done 8.00 P.M.some good work in it. There should also be more and more hospitals for treatment of drugs patients. We have a record in India it controlled opium use. In Bombay by women working in the mills gave it to thcir children so that they could work and yet we have so history of drug abuse. That is because of the strong family ties, love, affection and concern and care which exist in every family. I think this has all to be strengthened. We should have proper machinery and proper attitude for controlling the drags, particularly among the youths. Today half the drivers of the DTC are also unfortunately on smack.

Well, I will only end up by saying this is a national problem. This cuts across all party differences. Let us, therefore, deal with this problem with *devotion,* dedication and above all, Mr. Minister, with determination.

SHRI SUBRAMANIAN SWAMY: The Finaace Minister just now gave me a statement which looks like almost having been written by an officer, although T am not egniost officers in the Finance Ministry. I would compliment those Officers, who saw this expiry date at the nick of time and made the Government bring forward this before the Parliament. Such Officers should be rewarded.

The point is that the detention becomes infructuous because of the be it is handled in the court when it is taken up there. For example, it says that the grounds for detention should be given in the language of the detenu. Now, there is a conspiracy to see that if a Maharr.shtraian is arrested, the ground for detention of the detenu is given in Gujarati or something like that. Here, I think the Government should try to also see that the high-powered lawyers do not get into defending the smugglers. In this regard the greatest offenders are the lawyers in the ruling party. *(Interruptions)* I would like the Government to work on that plane also. I am not naming anybody, but I am only saying the Government should use its moral pressure also to see that high powered lawyers do not defend smugglers and broadly when they come to the public arena, because it intimidates the lower level courts. There should be a regular analysis when the detention order is set aside as to why it was set aside and that should be placed on the Table of the House so that we can keep on monitoring these things.

The second and the last point is that there is no awareness of the need to have a package programme to deal with — this. In Balad district in Bombay, the young students from Africa are in the streets. They are victims of AIDS. They are selling drugs and they themselve are taking intravenous injections right on the streets of Bombay. When I raised this in the House about the people involved, they say their staff is not adequate. I think there should be a special service created in the customs who should be high priced and so well-motiv?ted that they can deal with this problem, because the problem involves a huge amount of money. As I said one kilogram of heroin is worth * Rs. 13.000 in Bombay, but the same is worth millions of dollars in New York. So, with this kind of thing, they should pay special attention to it. Otherwise our enerey would be sapped History shaws how China was brought under subjugation by opium alone and this country with AIDS, terrorism, drugs

and their interaction, can be destroyed. Therefore, the Government should give much higher priority to tackle the problem than the Minister exhibited about tha awareness of it.

SHRI ANIL SHASTRI: Mr. Vice-Chairman, Sir, various points wero raised by the hon. Member, Mr. Bhandare, and I would need to reply to these points I think, it will take at least ihalf-an-hour. I will touch on some of the important points. I would like to clarify. ..

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I would like to know how much Bombay has got out of $7.5 million contributed by the UNICEF? If you clarify this, I will be satisfied.

SHRI ANIL SHASTRI: First of all, let me tell the House that the Government has all along been concerned on drug trafficking and we have left no stone unturned to check the drug trafficking. In fact, I would like to inform the House that INTERPOL very recently have complimented the efforts of the Indian Government. It is because of this reason that throughout the Golden Triangle drug trafficking has been re-__ duced. It has been accepted and acknowledged by the INTERPOL also. The hon. Member mentioned about the number of officers. I see the DRI has three but I would like to inform him that we have also Narcotic Drugs Control Board which has nine officers.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Out of that six are dealing with the court.

SHRI ANIL SHASTRI: Let me assure the hon. Member that our enforcement agencies are very effective and this can be substantiated by the data that I have. If he wants I can read it out..*{Interruptions)* . .I can write to him separately.

SHRIMATI BIJOYA CHAKRAVARTY: Mr. Vice-Chairman, Sir, I want to raise one point. In addition to the Golden Triangle there is another thing which is known as Golden Crescent. This is on the Burma-Thailand border. In Mizoram, bordering with Burma, in that area the drug trafficking has been increasing day by day. Will he do something to stop it?

SHRI ANIL SHASTRI; The hon. Member also knows about Pakistan. There is an annual meeting that takes place between India and Pakistan. But unfortunatly Pakistan has not been implementing the decisions taken in these meetings. But let me assure the hon. Member and the House that with the maximum dedication, commitment and determination, we are going to control drug trafficking. I am sure that with the efforts that we are putting in, it will be further strengthened. I also have some of the figures. If it is getting late, I would like to pass them on to the hon. Member later. Thank you.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now, I shall put the Resolution moved by Shri Subramanian Swamy to vote. The question is:

"That this House disapproves of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 1990 (No. 4 of 1990), promulgated by the President on the 30th July, 1990."

The motion was negatived.

THE VICE-CHAIRMAN **(SHRI** V. NARAYANASAMY): I shall now put the motion moved by the Finance Minister to vote. The question is:

"That the Bill further to amend the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act. 1988, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 *were added to the Bill.*